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7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 TACOMA

10 PHILADELPHIA INDEMNITY
INSURANCE COMPANY,
11 Plaintiff,

12 vs.

13 MENTOR HOUSE fka GATEWAYS FOR
14 YOUTH & FAMILIES, a Washington non-
profit corporation; J.S., an individual; A.N., an
15 individual; J.J., an individual; J.P., an
individual; J.L., an individual; B.F., an
16 individual; L.L., an individual; K.L., an
individual; C.S. an individual; G.C., an
17 individual; R.D., an individual; J.H., an
individual; S.P., an individual; H.R., an
18 individual; J.J., an individual; G.C., an
19 individual; R.P., an individual; J.G., an
individual; S.B., an individual; T.C., an
20 individual; J.C., an individual; M.M., an
individual; R.W., an individual; M.S., an
21 individual; J.H.-2 an individual; M.K. an
individual; J.L.-2, an individual; E.J., an
22 individual; John Does 1-8; and Jane Does 1-8

23 Defendants.
24
25

NO. 3:22-cv-05041

STIPULATION AND ORDER FOR
ENTRY OF DECLARATORY JUDGMENT
AND FOR DISMISSAL OF
PHILADELPHIA INDEMNITY
INSURANCE COMPANY

NOTE ON MOTION CALENDAR:
July 18, 2022

1 This Stipulation for Entry of Declaratory Judgment and for dismissal of Philadelphia
2 Indemnity Insurance Company ("Stipulation") is entered into by and between Philadelphia
3 Indemnity Insurance Company ("Philadelphia") and the Defendants (collectively "The
4 Parties") named in this lawsuit.

5 The Parties enter into this Stipulation with reference to and in acknowledgment of the
6 following facts:

7 Seven lawsuits were filed by J.S., A.N., J.J., J.P., J.L., B.F., L.L., K.L., C.S., G.C.,
8 R.D., J.H., S.P., H.R., J.J., G.C., R.P., J.G., S.B., T.C., J.C., M.M., R.W., M.S., J.H.-2, M.K.,
9 J.L.-2, and E.J. (hereinafter "Claimants") in the corresponding lawsuits where they alleged
10 that they were sexually assaulted by residents and/or employees of Mentor House fka
11 Gateways for Youth & Families ("Gateways"). The Lawsuits were filed before the Superior
12 Courts of the State of Washington for Pierce County and Thurston County. Philadelphia is
13 presently providing defense to Gateways in relation to these lawsuits.
14

15 Recently, some of the Claimants have made a \$3,000,000.00 insurance policy limits
16 demand upon Philadelphia. The demand is based upon the general liability policy issued by
17 Philadelphia, Policy No. PHPK691150, effective dates March 1, 2011 to March 1, 2012 and
18 upon the Excess Policy No. PHUB337933 issued by Philadelphia, effective dates March 1,
19 2011 to March 1, 2012. The Aggregate Limit on these two Policies is \$3,000,000. However,
20 Philadelphia has already paid \$212,500 from the Aggregate Limit. The Remaining available
21 Insurance Proceeds equal to \$2,787,500.
22

23 Philadelphia claims no beneficial interest in those Remaining Insurance Proceeds and
24 has stipulated to depositing them into the Registry of the Court.

25 Based on the facts outlined above, the Parties agree as follows:

- 1 1. That the maximum insurance policy limit to which all Claimants including Jane and
2 John Does can be entitled under the two Philadelphia Policies (both Primary and
3 Excess) is limited to \$2,787,500 pursuant to declaration of Laurie Cacciari dated
4 March 31, 2022 and declaration of Myron Polivka dated April 11, 2022.
- 5 2. That Philadelphia's duty to defend and indemnify under the two policies ends
6 because the limit of liability for the coverage under the two Philadelphia Policies
7 (both Primary and Excess) will be exhausted upon Philadelphia's payment of the
8 Insurance Proceeds in the amount of \$2,787,500 into the Registry of the Court
9 which Philadelphia agreed to do per Parties' stipulated motion dated July 1, 2022
10 (Dkt. 31) which is a condition precedent to the effect of this stipulation.
- 11 3. That the Court should discharge Philadelphia from all liability under the policies
12 and enjoin Claimants including Jane and John Does from pursuing any actions
13 against Philadelphia related to the policies and their proceeds related to Mentor
14 House fka Gateways for Youth & Families. This Stipulation pertains to
15 Philadelphia only and shall not enjoin Claimants including Jane and John Does or
16 any other person represented by the undersigned, from pursuing and/or asserting
17 other claims related to Mentor House fka Gateways for Youth & Families against
18 other Gateways' insurance carriers which is a condition precedent to the effect of
19 this stipulation.
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22 ///

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24 ///

GILLASPY & RHODE, PLLC



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 S.P., H.R., J.J., G.C., R.P., J.G., S.B., T C.,
 J.C., J.H -2, MK., J.L.-2, and E.J.*

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**MENTOR HOUSE fka GATEWAYS FOR
 YOUTH & FAMILIES**

Isl Eric Byers

Eric Byers

*On behalf of Mentor House jka Gateways/ or
 Youth & Families*

ORDER OF THE COURT

Good cause having been demonstrated to the satisfaction of the Court, the foregoing is hereby confirmed as an Order of the Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 21st day of July, 2022.



David G. Estudillo
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date below, I served the foregoing on the following individuals by electronic means through the Court's CM/ECF system and via email as referenced below:

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7 Dated this 18th day of July 2022.

8
9 /s/ Rebecca SaeChao
Rebecca SaeChao